

Honolulu, Hawaii

February 14

H.B. No. 1501

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 1501 entitled:

"A BILL FOR AN ACT RELATING TO DRUG PARAPHERNALIA,"

begs leave to report as follows:

The purpose of this measure is to reclassify drug paraphernalia possession and delivery offenses from class C felonies to civil violations.

American Civil Liberties Union of Hawaii; Community Alliance on Prisons; Ho'omana Pono, LLC.; Hawaii Dispensary Alliance; The Drug Policy Forum of Hawaii; CannaMoms; Medically Correct, LLC.; CannaKids; Hey Jackpot, LLC; NuWayve Unlimited; African American Lawyers Association; Honolulu Hawaii National Association for the Advancement of Colored People; Community Health Outreach Work Project; Grow for Vets; Edibles List Magazine; Asian Cannabis Association; Jayden's Journey; Drug Policy Action Group; and many concerned individuals supported this measure. The Office of the Prosecuting Attorney of the County of Hawaii, Department of the Prosecuting Attorney of the City and County of Honolulu, and one concerned individual opposed this measure. The Judiciary offered comments.

Your Committee notes the Judiciary's concern that reclassifying drug paraphernalia possession and delivery offenses from class C felonies to civil violations would require the District Courts to create new forms, schedule civil violation

HB1501 HD1 HSCR PBS HMS 2017-2061



calendar sessions, and train staff to process these cases, among other challenges. The Judiciary reports that administrative implementation of the reclassification will take six to seven months and costs approximately \$850,000.

Your Committee has amended this measure by changing its effective date to July 1, 2099, to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1501, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1501, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety,

GREGG TAPAYANA, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature HSCR 256

Record of Votes of the Committee on Public Safety

Bill/Resolution No.:	Committee Referral: Date:			
HB1501	Committee Referral:	JUD 02/09/2017		
θ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: θ Pass, unamended (as is) Pass, with amendments (HD) θ Hold				
θ Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	X			
2. LoPRESTI, Matthew S. (VC)	X			
3. CREAGAN, Richard P.				80 10 10 10 10 10 10 10 10 10 10 10 10 10
4. DeCOITE, Lynn				
5. GATES, Cedric Asuega				
6. ING, Kaniela				
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7. THIELEN, Cynthia				
TOTAL (7)	7			
The recommendation is: θ Adopted θ Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) – HMSO				